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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,898	02/12/2002	Hannes Eberle	23453-017401	3570

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MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004

EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,898

Applicant(s)

EBERLE ET AL.

Examiner

Joseph T. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-26 rejected under 35 U.S.C. 102(e) as being anticipated by

Hanson, Patent #6,269,151.

Claims 1-26 rejected under 35 U.S.C. 102(e) as being anticipated by

Goldberg, Patent #6,226,360.

Regarding claim 1, Hanson and Goldberg teaches a system for the selection of voice messages for delivery to a voice service subscriber, comprising:

a detection module, the detection module sensing a state of a call pickup sequence of a telephone call delivering a voice message (Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53) and

a selection module, communicating with the detection module, the selection module selecting at least one of a plurality of voice messages to deliver according to the state of the call pickup sequence detected by the detection module (Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 2, Hanson and Goldberg teaches the system of claim 1, wherein the state of a call pickup sequence comprises a plurality of possible states, and each of the possible states of the call pickup sequence is associated with at least one of the plurality of messages(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 3, Hanson and Goldberg teaches the system of claim 2, wherein the detection module comprises a tone detection module, and each tone detected by the tone detection module is associated with at least one of the possible states(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 4, Hanson and Goldberg teaches the system of claim 3, wherein the tone detection module senses at least one of an answering machine tone, a facsimile machine tone, and a modem tone(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 5, Hanson and Goldberg teaches the system of claim 4, wherein the state of the call pickup sequence comprises at least one of receipt by a answering machine, receipt by a facsimile machine, receipt by a modem, and receipt by a person(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 6, Hanson and Goldberg teaches the system of claim 5, wherein the plurality of voice messages are differentiated according to whether the call pickup

sequence indicates receipt by a machine or receipt by a person(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 7, Hanson and Goldberg teaches the system of claim 6, wherein the voice messages for receipt by a machine are differentiated by reduced content from the voice messages for receipt by a person(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 8, Hanson and Goldberg teaches the system of claim 1, wherein a recipient is queried for validation information(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 9, Hanson and Goldberg teaches the system of claim 8, wherein the validation information is provided by at least one of voice input and keypad input(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 10, Hanson and Goldberg teaches the system of claim 1, wherein a secondary recipient is authorized to receive at least one of the plurality of voice messages(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 11, Hanson and Goldberg teaches the system of claim 1, further comprising an interface to an authorization database, the authorization database storing entries associating each of the plurality of possible states with at least one of the plurality of messages for delivery upon detection of the corresponding state(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 12, Hanson and Goldberg teaches the system of claim 11, wherein the selection module aborts the delivery of the voice message when the state of the call pickup sequence does not meet at least a minimum authorization criterion stored in the authorization database(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 13, Hanson and Goldberg teaches the system of claim 1, wherein at least one of an administrator and the voice service subscriber may alter the association between the state of the call pickup sequence and the at least one of the plurality of voice messages(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 14, Hanson and Goldberg teaches a method for the selection of voice messages for delivery to a voice service subscriber, comprising:

(a) detecting a state of a call pickup sequence of a telephone call delivering a voice message(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53); and

(b) selecting at least one of a plurality of voice messages to deliver according to the state of the call pickup sequence detected in step (a) (Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 15, Hanson and Goldberg teaches the method of claim 14, wherein the state of the call pickup sequence comprises a plurality of possible states, and each of the possible states is associated with one of the plurality of voice

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messages(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 16, Hanson and Goldberg teaches the method of claim 15, wherein the step (a) of detecting comprises a step of (c) detecting a tone, and a step (d) of associating each detected tone with at least one of the possible states(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 17, Hanson and Goldberg teaches the method of claim 16, wherein the step (c) of detecting a tone comprises the step of (e) detecting at least one of an answering machine tone, a facsimile machine tone, and a modem tone(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 18, Hanson and Goldberg teaches the method of claim 17, wherein the state of the call pickup sequence comprises at least one of receipt by an answering machine, receipt by a facsimile machine, receipt by a modem, and receipt by a person(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 19, Hanson and Goldberg teaches the method of claim 18, further comprising a step of differentiating the voice messages according to whether the call pickup sequence indicates receipt by a machine or receipt by a person(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 20, Hanson and Goldberg teaches the method of claim 14, further comprising a step of (g) differentiating the voice messages for receipt by a

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machine by reduced content from the voice messages for receipt by a person(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 21, Hanson and Goldberg teaches the method of claim 20, further comprising a step of (h) querying a recipient for validation information(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 22, Hanson and Goldberg teaches the method of claim 21, further comprising a step of (i) receiving the validation information by at least one of voice input and keypad input(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 23, Hanson and Goldberg teaches the method of claim 14, further comprising a step of (j) authorizing a secondary recipient to receive at least one of the plurality of voice messages(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 24, Hanson and Goldberg teaches the method of claim 14, further comprising a step of (k) interfacing to an authorization database, the authorization database storing entries associating each of the plurality of possible states with at least one of the plurality of messages for delivery upon detection of the corresponding states(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 25, Hanson and Goldberg teaches the method of claim 24, further comprising a step of (l) aborting the delivery of the voice message when the

state of the call pickup sequence does not meet at least a minimum criterion stored in the authorization database(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Regarding claim 26, Hanson and Goldberg teaches the method of claim 14, further comprising a step of (m) altering the association between the state of the call pickup sequence and the at least one of the plurality of voice messages(Goldberg col.5 lines 23-51 and col.8 lines 6-9; Hanson Fig.2 and col.7 lines 11-53).

Conclusion

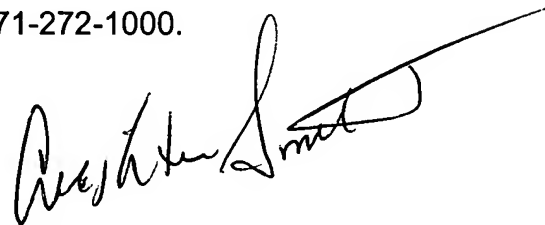
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTP
September 15, 2006

A handwritten signature in black ink, appearing to read "Creighton Smith", with a long, sweeping horizontal line extending from the end of the signature.

CREIGHTON SMITH
PRIMARY EXAMINER